

UNITED STATES DISTRICT COURT

for the

District of

Division

RECEIVED

AUG 27 2021

CLERK, U.S. DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA

Ronald Gene Phillips Jr.

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

City of Missoula Police Department, Chief Jaeson White, Cpt. R. Stepper Sgt M. Hebert, Officer J. Hebert, Officer S. Tennison, Officer M.Hoffman, and unidentified officers

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☐ Yes ☒ No**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**
(Non-Prisoner Complaint)**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Ronald Gene Phillips Jr.		
Address	355 South Russell Street		
	Missoula	MT	59801
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Missoula County		
Telephone Number	(406) 830 - 1897		
E-Mail Address	RonPhillips682@gmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	City of Missoula police department		
Job or Title <i>(if known)</i>			
Address	435 Ryman Street		
	Missoula	MT	59802
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Missoula		
Telephone Number	(406) 552 - 6300		
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	Jaeson White		
Job or Title <i>(if known)</i>	Police Chief		
Address	435 Ryman Street		
	Missoula	MT	59802
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Missoula		
Telephone Number	(406) 552 - 6300		
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 3

Name R. Stepper
 Job or Title *(if known)* Captain
 Address 435 Ryman Street
Missoula MT 59802
City State Zip Code
 County Missoula
 Telephone Number (406) 552 - 6300
 E-Mail Address *(if known)* _____

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name M. Hebert
 Job or Title *(if known)* Sergeant
 Address 435 Ryman Street
Missoula MT 59802
City State Zip Code
 County Missoula
 Telephone Number (406) 552 -6300
 E-Mail Address *(if known)* _____

☐ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? 1st, 4th, 6th and 8th amendment to the United States Constitution

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- In March 2021 I was peacefully sitting on public property at the public bus station waiting for public transportation to arrive watching YouTube videos on my phone I noticed a police car near the end of the police stations parking lot stopped with their brake lights on I thought nothing of it and went back to peacefully watching YouTube at the public transit center (see attached statement of claim)
-

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
Missoula city police department 435 ryman street public parking lot
-
- B. What date and approximate time did the events giving rise to your claim(s) occur?
on or around 3-23-21
-
- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*
see attached statement of claim
-

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

when the captain initially assaulted and kidnapped me the force of the arm twist and shove put strain on my already disabled back and causing a great deal of harm as I was being kidnapped I was being shoved harder than I could walk due to my physical back disability this created great pressure and pain in my right hip from the strain being put on my back when the co-conspirators were holding me against the bike rack to scream their propaganda at me they had my disabled back bent in a way that caused debilitating pain that I still feel to this day my wrists hurt for several days from the co-conspirators bending them in an unnatural way against the metal bike rack I am also schizophrenic and this event triggered my disease and it is now replayed over in my head on a re-occurring basis and will be indefinitely

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I am requesting Constitutional awareness training be mandatory for every employed and future employed officer of the Missoula Police department. As all of these rights are clearly established refresher courses seem to be needed

Mental health evaluations for all officers currently employed or about to be employed and yearly mental health evaluations for every employed officer forever I feel the mental health of some of the officers involved may be questionable and to ensure the safety of the public mental health screenings are imperative

money compensation for punitive damages in the amount of \$1,234,567.89 for physical pain caused and the long lasting schizophrenic episodes I have had currently have and will have for the rest of my life

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 08/27/2021

Signature of Plaintiff

Printed Name of Plaintiff

Ronald Gene Phillips Jr.

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

Statement of Claim

In March 2021 I was peacefully sitting on public property at the public bus station waiting for public transportation to arrive watching YouTube videos on my phone I noticed a police car near the end of the police stations parking lot stopped with their brake lights on I thought nothing of it and went back to peacefully watching YouTube at the public transit center about 6 minutes had passed and my YouTube video had ended at which point I looked up again and seen the same unknown officer still sitting at the end of the parking lot, but I notice that he had moved his rear view mirror and that he had been watching me so I exercised our first amendment right of freedom of expression and extended my middle finger to the officer staring at me and I then seen him grab his radio put it to his mouth and then drive off I went back to peacefully sitting at the public bus station awaiting the arrival of my public transportation and watching YouTube what it had done was violate my 1st amendment right to freedom of expression and called Officer S. Tennison who then came out and made contact with me and always for my safety I stopped peacefully watching YouTube while sitting at the public transportation public transfer center and I started recording this unsolicited unwarranted unwanted terry stop the officer told me someone called stating that I was touching cars I asked her if it looked like I was she told me the report is that I am touching vehicles I asked her who called she told me I did not need to know any of that violating my 6th amendment right to confront my accusers and bring forth witnesses I then stood from peacefully sitting at our public transportation city owned property and proceeded to walk towards the public police department via the public police departments public parking lot the officer told me not to walk towards her i asked if I was being detained she failed to answer I continued peacefully walking towards the public police department through their public parking lot towards the public city hall the officer told me not to walk towards her again and stepped back I continued peacefully walking on public areas to the public police department and enter through the public entrance to the window the general public go for assistance from the public servants at the police department and 1 unidentified female officer and officer M. Hoffman stopped me and instructed me to stand inside their foyer I did as instructed and told them I was trying to find out who made a complaint on me and they then asked me to go outside I again asked if I was being detained at this time officer S. Tennison said I was being detained now and I asked why she then states there is a report of me taking pictures of vehicles and touching vehicles I asked her if she seen me touching vehicles she then stated she was just trying to have a conversation with me and I asked her again why I was being detained officer M. Hoffman then said let's go outside dude while another officer asked my name I refused to identify as I had done nothing wrong I was just peacefully sitting at our public city owned public transportation property enjoying my freedom and exercising my rights and told them to just take me to jail we can deal with it there as I was saying this captain r. Stepper was walking into the public building himself and heard me saying to take me to jail and we will deal with it there when he heard that he grabbed my arm and twisted it behind my back causing physical pain he had not been part of this illegal detainment prior to this point he simply came in and physically assaulted me and kidnapped me forcing me to go where he wanted which was outside violating our 4th amendment right once I was outside he told me if I did not have official business here that I had to leave I told him that I did have official business here he then grabbed my right arm physically assaulting me again and pushed my hand I was recording

in down he then through me against a bike rack in a cruel and unusual way and sgt hebert and officer hebert physically assaulted me holding my left arm in a contorted way against the bottom of the bike rack they kidnapped me and forced me to some 25 feet away causing me physical pain the 3 of them and 2-3 other surrounding unidentified officers in an intimidating way pinned me to a bike rack and cpt r. Stepper yelled at me telling me to act how he wanted violating my first amendment right of expression he then while having 2 other co-conspirators illegally restrain me and several others stand around intimidating me he physically pushed my pinned hand causing tremendous harm letting me go only after giving me a speech on how he thinks the law goes I then put my camera back up as I was freed and cpt r. Stepper told me how he wanted me to act again and told me not to record he then proceeded to physically assault me again telling me and physically manipulating my body showing me how to record violating our 1st amendment right again I refused to comply and told him I will record what I want cpt r. Stepper then said ok turned around and started to walk inside I started to walk away and officer J. Hebert then informed me that nobody in fact had called stating I was touching cars making any sort of detainment a violating of our 4th amendment right to illegal search and seizure and many torts she then told me the reason for the stop was because I had previously went around following them (the police department) and filming them (again the police department) violating our 1st amendment right and showing maliciousness and misconduct I asked why I was being detained then and officer J. Hebert told me nobody was detaining me and I told her officer Tennison was detaining me and asked why again officer J. Hebert nor officer tennison answered on why I was being detained so I asked if I was free to go and officer J. Hebert said yep I told her if I was free to go I was free to stay then the mob of co-conspirators then ended their mass campaign of intimidation and went insider the public police department I continued to assert our first amendment right to record in publicly accessible areas and as I went to the door sgt hebert threatened me with kidnapping again and went inside